RESOLUTION NO. 2007-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI CERTIFYING THE FINAL LODI ANNEXATION ENVIRONMENTAL IMPACT REPORT (EIR-05-01), ADOPTING FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPTING THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE WESTSIDE ANNEXATION PROJECT

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WHEREAS, the City Council of the City of Lodi has heretofore held a duly noticed public meeting on March 21, 2007, as required by law, to consider the Final Environmental Impact Report (EIR) (EIR-05-01); and

WHEREAS, the subject properties included in the evaluation are described as follows:

APN	Site Address	Property Owner
029-380-05	351 East Sargent Rd.	Georgia Perlegos Et al
027-040-01	70 East Sargent Rd.	Manna Trust
027-04-020	212 East Sargent Rd.	DHKS Development
027-04-030	402 East Sargent Rd.	Noble D. Fore Jr. II

WHEREAS, on September 16, 2005, a Notice of Preparation was circulated notifying responsible agencies and interested parties that an EIR would be prepared, indicating the environmental topics that were anticipated to be addressed; and

WHEREAS, a Draft EIR (File No. EIR-05-01) was prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, and the Guidelines provided there under; and

WHEREAS, a Notice of Availability for the Draft EIR was published in the Lodi News Sentinel and was posted at City Hall on April 17, 2006; and

WHEREAS, the Notice of Availability and copies of the Draft EIR were sent to Responsible Agencies and the State Office of Planning & Research (State Clearinghouse) on April 17, 2006; and

WHEREAS, a copy of the Draft EIR was kept on file for public review within the Community Development Department at 221 West Pine Street, Lodi, CA, and the public library and posted on the City's website for a 45-day comment period commencing on April 17, 2006 and ending on May 26, 2006; and

WHEREAS, the City of Lodi Planning Commission received comments and testimony on the Draft EIR from the following individuals on May 10, 2006, at 7:00 p.m. at the Carnegie Forum, 305 West Pine Street, Lodi, CA:

- Rick Gerlack
- Chairman Randy Heinitz
- Commissioner Doug Kuehne
- Commissioner Gina Moran
- Commissioner Bill Cummins

WHEREAS, the City received nine comment letters in response to the Notice of Completion from the following agencies/persons:

• Department of California Highway Patrol	May 4, 2006
• Department of Conservation	May 26, 2006
• Department of Transportation	May 25, 2006
• Pacific Gas and Electric Company	May 26, 2006
• Public Utilities Commission	April 26, 2006
• San Joaquin County Public Works	May 24, 2006
• Governor's Office of Planning and Research	May 26, 2006
• San Joaquin Valley Air Pollution Control District	May 4, 2006
• Robert G. Wilson	May 23, 2006

WHEREAS, a Response to Comments document was prepared in accordance with CEQA, which responds to comments received on the Draft EIR; and

WHEREAS, individual responses to the comments received on the Draft EIR were mailed to each commenting agency ten days prior to the Planning Commission recommendation for City Council certification of the Final EIR; and

WHEREAS, a Mitigation Monitoring and Reporting Program, prepared in accordance with CEQA, which lists mitigation measures recommended in the EIR; identifies mitigation monitoring requirements; identifies the party responsible for carrying out the required actions and the approximate timeframe for the oversight agency; and identifies the party ultimately responsible for ensuring that the mitigation measure is implemented, is included herein as Attachment B; and

WHEREAS, the City of Lodi Planning Commission held public hearings on the recommendation to the City Council on the adequacy of the EIR on October 11, 2006 and October 25, 2006 and made the recommendations for the City Council to modify Mitigation Measure LU-1, Impact Statement and Mitigation Measure LU-2, and Mitigation Measure Trans-2; and

WHEREAS, the City Council finds that the Planning Commission recommended changes in the Mitigation Measure are not all necessary to address project impact; and

WHEREAS, adoption of the Mitigation Monitoring and Reporting Program included herein as Attachment B effectively makes the mitigations part of the Westside Project.

NOW, THEREFORE, BE IT FOUND, DETERMINED, AND RESOLVED that the City Council has reviewed and considered the information contained in the Final Lodi Annexation EIR and finds that with regards to the Westside Project:

1. The Final EIR has been completed in compliance with CEQA.

2. The Final EIR was presented to the City Council, the decision-making body of the lead agency, and that the City Council reviewed and considered the information contained in the final EIR prior to recommending adoption to the City Council.

3. The Final EIR represents the independent judgment of the City.

4. The Planning Commission recommended change to modify to Mitigation Measures LU-1 is not necessary to address project impacts.

NOW, THEREFORE, BE IT FURTHER FOUND, DETERMINED, AND RESOLVED that, based upon the evidence within the Draft and Final Lodi Annexation EIRs, staff report, public comments, and the project file, the City Council of the City of Lodi makes the CEQA Findings (as described in Attachment A), adopts a Statement of Overriding Considerations (included in Attachment A), and hereby certifies EIR-05-01, all as they relate to the Westside Project; and

NOW, THEREFORE, BE IT FURTHER FOUND, DETERMINED, AND RESOLVED that the City Council of the City of Lodi hereby adopts the Mitigation Monitoring and Reporting Program included in Attachment B as it relates to the Westside Project.

Dated: March 21, 2007

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I hereby certify that Resolution No. 2007-48 was passed and adopted by the City Council of the City of Lodi at a regular meeting held on March 21, 2007, by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Katzakian, and Mayor Johnson

NOES: COUNCIL MEMBERS – Mounce

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – Hansen

RANDI JOHL
City Clerk

ATTACHMENT A

ENVIRONMENTAL IMPACT REPORT FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATION

LODI ANNEXATION EIR FOR WESTSIDE PROJECT

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS
Pursuant to Sections 15091 and 15093 of the
State CEQA Guidelines and Section 21081 of the Public Resources Code

The Final Environmental Impact Report (Final EIR) prepared by the City of Lodi (City) for the Westside Project (project) consists of the Draft EIR (Lodi Annexation Environmental Impact Report, April 2006) and Responses to Comments Document (*Lodi Annexation Environmental Impact Report Response to Comments Document*, July 2006). The Final EIR identifies significant environmental impacts that will result from implementation of the project. However, the City finds that the inclusion of certain mitigation measures as part of project approval will reduce the majority of potentially significant impacts to less-than-significant levels. The impacts which are not reduced to less-than-significant levels are identified and overridden due to specific considerations that are described below.

As required by CEQA, the City, in adopting these CEQA Findings and Statement of Overriding Considerations, also adopts a Mitigation Monitoring and Reporting Program for the project. The City finds that the Mitigation Monitoring and Reporting Program, which is incorporated by reference and made a part of these findings included as Attachment A, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. In accordance with CEQA and the *CEQA Guidelines*, the City adopts these findings as part of the certification of the Final EIR for the projects. Pursuant to Public Resources Code Section 21082.1(c)(3), the City also finds that the Final EIR reflects the City's independent judgment as the lead agency for the project.

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SECTION 1: INTRODUCTION

1.1 Statutory Requirements for Findings

Section 15091 of the *CEQA Guidelines* states that:

> *(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:*
>
> *(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.*
>
> *(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.*
>
> *(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.*

In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that will otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where they are infeasible or where the responsibility for modifying the project lies with another agency.[1]

For those significant effects that cannot be mitigated to a less-than-significant level, the public agency is required to find that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.[2] The *CEQA Guidelines* state in section 15093 that:

> *"If the specific economic, legal, social, technological, or other benefits of a propos[ed] project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"*

1.2 Record of Proceedings

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City's decision on the project consists of: a) matters of common knowledge to the City, including, but not limited to, federal, State and local laws and regulations; and b) the following documents which are in the custody of the City:

[1] *CEQA Guidelines*, Section 15091 (a), (b).

[2] Public Resources Code Section 21081(b).

- Notice of Preparation and other public notices issued by the City in conjunction with the project (see Appendix A of the Draft EIR for the Notice of Preparation);
- The Public Review Draft EIR, dated April 2006;
- All written comments submitted by agencies and members of the public during the public comment period on the Draft EIR and responses to those comments (see *Lodi Annexation EIR Response to Comments Document*);
- The Mitigation Monitoring and Reporting Program (Attachment A);
- All findings, statements of overriding consideration, and resolutions adopted by the City in connection with the project, and all documents cited or referred therein;
- All final reports, studies, memoranda, maps, correspondence, and all planning documents prepared by the City or the consultants, or responsible or trustee agencies with respect to: a) the City's compliance with CEQA; b) development of the project site; or c) the City's action on the project; and
- All documents submitted to the City by agencies or members of the public in connection with development of the project.

1.3 Organization/Format of Findings

Section 2 of these findings contains a summary description of the project, sets forth the objectives of the project, and provides related background information. Section 3 identifies the potentially significant effects of the project that were determined to be mitigated to a less-than-significant level. All numbered references identifying specific mitigation measures refer to numbered mitigation measures found in the Draft EIR. Section 4 identifies the significant impacts that cannot be mitigated to a less-than-significant level even though all feasible mitigation measures have been identified and incorporated into the project. Section 5 identifies the project's potential environmental effects that were determined not to be significant, and do not require mitigation. Cumulative effects are discussed in Section 6. Section 7 discusses the feasibility of project alternatives and Section 8 includes the City's Statement of Overriding Considerations. These findings summarize the impacts and mitigation measures from the Draft EIR and Responses to Comments document. Full descriptions and analyses are contained in the original document.

SECTION 2: THE LODI ANNEXATION AREAS

The objectives for the Westside project are listed below.

1. Westside Project

- Develop a diversity of high quality housing types to meet housing needs within the City of Lodi.
- Provide affordable housing options within the City of Lodi.
- Provide park areas and recreational uses that help meet park standards within the City of Lodi.
- Develop a school site that would serve future residents of the proposed project as well as other Lodi residents.

- Develop an "open space pedestrian/bicycle spine" within the project site that connects to recreational and pedestrian amenities further south of the project site.
- Provide a site that could accommodate future development of an aquatic center.
- Provide adequate basin capacity for storm water detention.

2.1 Project Description

The Westside project would annex 151 acres of land from San Joaquin County into the City of Lodi, which could accommodate development of up to 745 new residential units, 24 acres of parks and trails, an elementary school and related infrastructure. To implement the proposed project, the applicant has submitted applications for annexation, prezone and growth management unit allocation. The growth management units will be allocated through the Development Agreement.

2.2 Alternatives

Based on the project objectives and anticipated environmental consequences, and pursuant to Section 15126.6 of the *CEQA Guidelines*, the following project alternatives were selected for analysis:

- The **No Project/No Build alternative**, which assumes the Westside and SW Gateway projects would not be annexed by the City and would not be developed. The agricultural use of the project site would continue, and no development would occur on the project site.
- The **Agricultural Residential alternative,** which assumes that the agricultural character of the project site would continue, and would provide one unit per 20 acres, which would allow 20 units. A density bonus would be granted which would allow 1 additional unit per 10 acres, which would result in a total of 60 units on the Westside and SW Gateway sites. No schools would be developed under this alternative. The aquatic center and some park area would be incorporated into the project site.
- The **Reduced Density alternative**, which assumes that the Westside site would be developed as is proposed under the project, and that the SW Gateway site would have an average of three units per gross acre. This would result in a total of 1,441 units. The SW Gateway site would not include a school site.
- The **Increased High Density Mix alternative,** which assumes that the high density development would have an average density of 25 dwelling units per acre, and the low density designation would have a density of three dwelling units per acre. This would result in a total of 2,317 units. Under this alternative, there would be no medium density residential units.

A more detailed description of these alternatives, and required findings, are set forth in Section 7: Feasibility of Project Alternatives.

SECTION 3: EFFECTS DETERMINED TO BE MITIGATED TO LESS-THAN-SIGNIFICANT LEVELS

The Draft EIR identified certain potentially significant effects that could result from the project. However, the City finds for each of the significant or potentially significant impacts identified in this section (Section 3) that based upon substantial evidence in the record, changes or alterations have been required or incorporated into the project which avoid or substantially lessen the significant

effects as identified in the Final EIR[3] and, thus, that adoption of the mitigation measures set forth below will reduce these significant or potentially significant effects to less-than-significant levels. Adoption of the recommended mitigation measures will effectively make the mitigation measures part of the project.

3.1 Land Use

Impact LU-1: The proposed projects could result in a land use conflict with surrounding land uses.

Mitigation Measure LU-1: To reduce agricultural/residential land use incompatibilities, the following shall be required:

a. The applicant shall inform and notify prospective buyers in writing, prior to purchase, about existing and on-going agricultural activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that the residence is located in an agricultural area subject to ground and aerial applications of chemical and early morning or nighttime farm operations which may create noise, dust, et cetera. The language and format of such notification shall be reviewed and approved by the City Community Development Department prior to recordation of final map(s). Each disclosure statement shall be recorded at the County Recorder's Office and acknowledged with the signature of each prospective owner. Additionally, each prospective owner shall also be notified of the City of Lodi and the County of San Joaquin Right-to-Farm Ordinances.

b. The conditions of approval for the tentative map(s) shall include requirements ensuring the approval of a suitable design and the installation of a landscaped open space buffer area, fences, and/or walls around the perimeter of the project site affected by the potential conflicts in land use to minimize conflicts between project residents, non-residential uses, and adjacent agricultural uses prior to occupancy of adjacent houses.

c. Prior to recordation of the final map(s) for homes adjacent to existing agricultural operations, the applicant shall submit a detailed wall and fencing plan for review and approval by the Community Development Department.

Findings for Impact LU-1: Mitigation Measure LU-1, which requires notification of potential home buyers that they would be located adjacent to agricultural uses, and incorporation of buffers into project design, will reduce the potential incompatibilities between the residential land use and adjacent agricultural uses. The mitigation measures presented in Mitigation Measure LU-1 are feasible and effective measures to reduce the potential land use conflicts. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure LU-1 will be incorporated into the project via conditions of approval, and will reduce Impact LU-1 to a less-than-significant level.

3.2 Air Quality

Impact AIR-1: Demolition and construction period activities could generate significant dust, exhaust, and organic emissions.

[3] *CEQA Guidelines*, Section 15091.

Mitigation Measure AIR-1a: Consistent with Regulation VIII, Fugitive PM_{10} Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project.

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.
- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
- With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)
- Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.
- Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.
- Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

Additional Control Measures: Construction of the project requires the implementation of control measures set forth under Regulation VIII. The following additional control measures would further reduce construction emissions and should be implemented with the project:

- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent;
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
- Install wind breaks at windward side(s) of construction area;
- Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation);
- Limit area excavation, grading, and other construction activity at any one time;

- Install baserock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 20 mph.

Mitigation Measure AIR-1b: The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions:

- Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment;
- Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions;
- Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions;
- Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use; and
- Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare The Air Days" declared by the District.

Implementation of these mitigation measures would reduce construction period air quality impacts to a less-than-significant level

Findings for Impact AIR-1: Mitigation Measure AIR-1, which requires the implementation of construction period dust-and exhaust-control measures, will substantially lessen the project's short-term emissions of dust and exhaust. The short-term air quality measures listed in Mitigation Measure AIR-1 are feasible and are considered by air quality experts, including the San Joaquin Valley Air Pollution Control District, to be effective measures in reducing the short-term air quality impacts of construction projects. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure AIR-1 will be incorporated into the project via conditions of approval, and will reduce Impact AIR-1 to a less-than-significant level.

3.3 Noise

Impact NOISE-1: On-site construction activities would potentially result in short-term noise impacts on adjacent residential uses.

Mitigation Measure NOI-1a: Construction activities would need authorization under City issuance of construction permits before any work could commence on-site. Construction activities shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday, consistent with the City's Ordinance.

Mitigation Measure NOI-1b: All stationary noise generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences.

By meeting the hours of construction timeframe and minimizing noise from stationary construction equipment, the project will not result in a substantial temporary or periodic increase in ambient noise levels.

Finding for Impact NOISE-1: Mitigation Measures NOI-1a and NOI-1b requires the implementation of measures to control construction noise and will substantially lessen the adverse construction-period noise of the project. These mitigations comprise noise-control actions that have been successfully used by the City of Lodi, as well as municipalities throughout the State to substantially reduce construction period noise levels. Similar measures are incorporated into the conditions of approval for development projects throughout California, and are easily monitored during the actual construction period. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure NOI-1a and NOI-1b will be incorporated into the project via conditions of approval, and will reduce Impact NOI-1 to a less-than-significant level.

3.4 Cultural and Paleontological Resources

Impact CULT-1: Ground-disturbing activities in a portion of the Westside project area could adversely impact a historic archaeological resource.

Mitigation Measure CULT-1: Implementation of either Mitigation Measure CULT-1a or CULT-1b would reduce this impact to a less-than-significant level. In order to avoid possible work stoppage and project delays at the location of the resource, implementation of Mitigation Measure CULT-1(a) is the recommended alternative. The mitigation measure selected, however, shall be determined by the lead agency.

1a. Prior to the initiation of any project ground disturbance or any construction activities within 50 feet of archaeological site LAN-1, it shall be recorded on the appropriate State of California Department of Parks and Recreation DPR 523 forms. Prior to ground disturbance at this location, a qualified historical archaeologist shall evaluate the site for its eligibility for listing in the California Register. An evaluation shall include archival research and subsurface archaeological testing. If the site is determined to not be eligible for listing in the California Register, no further study or mitigation of the site is required. Shall the site or intact features within the site be found to be a historic or unique archaeological resource as defined under CEQA, project related impacts to the site shall be mitigated. If the deposits are eligible, they shall be avoided by adverse effects, or, if avoidance is not feasible, the adverse effects shall be mitigated. Mitigation may include, but is not limited to data recovery excavation. If data recovery excavation is appropriate, the excavation must be guided by a data recovery plan prepared and adopted prior to beginning the data recovery work. A report of findings shall be submitted to the project applicant, the City of Lodi, and the Central California Information Center (CCR Title 14(3) §15126.4(b)(3)(C)). This approach would reduce this impact to a less-than-significant level.

1b. Prior to any project activities within 50 feet of archaeological site LAN-1, it shall be recorded on the appropriate State of California Department of Parks and Recreation DPR523 forms. A qualified archaeologist shall monitor ground disturbing activities within 50 feet of LAN-1 in the Westside project area. Project activity shall cease in the immediate vicinity of a subsurface find and the discovery evaluated and appropriate treatment options developed. Archaeological monitors shall be empowered to halt construction activities at the location of

the discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. Monitoring shall continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered.

If subsurface historic archaeological deposits, e.g., wells, privies, and foundations, are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the archaeological monitor can evaluate the finds and make recommendations. It is recommended that adverse effects to archaeological discoveries be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their eligibility for listing on the California Register (i.e., it shall be determined whether they qualify as historical or unique archaeological resources under CEQA). If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they shall be avoided by adverse effects, or, if avoidance is not feasible, the adverse effects shall be mitigated. If data recovery excavation is appropriate, the excavation must be guided by a data recovery plan prepared and adopted prior to beginning the data recovery work. A report of findings shall be submitted to the project applicant, the City of Lodi, and the Central California Information Center (CCR Title 14(3) §15126.4(b)(3)(C)). It is anticipated that this approach will reduce this impact to a less-than-significant level.

Findings for Impact CULT-1: Mitigation Measures CULT-1a or CULT-1b requires that a qualified archaeologist to either evaluate the project site for its eligibility for listing on the California Register, or to monitor during major ground-disturbing activities. The archaeologist shall be empowered to halt construction activities in the vicinity of archaeological materials to avoid damage to unidentified archaeological resources should they be discovered. Either Mitigation Measure CULT-1a or CULT-1b will ensure that the resource remains intact until its significance is determined, and a plan is prepared for the protection of the resource, if necessary. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure CULT-1a and CULT-1b will be incorporated into the project via conditions of approval, and will reduce Impact CULT-1 to a less-than-significant level.

Impact CULT-2: Ground disturbing activities at the Westside project area could adversely impact archaeological resources.

Mitigation Measure CULT-2: If prehistoric or historic archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to evaluate the finds and make recommendations. It is recommended that adverse effects to such deposits be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their eligibility for listing on the California Register (i.e., it shall be determined whether they qualify as historical or unique archaeological resources under CEQA). If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they shall be avoided by adverse effects, or, if avoidance is not feasible, the adverse effects shall be mitigated. Mitigation may include, but is not limited to, thorough recording on Department of Parks and Recreation form 523 records (DPR 523) or data recovery excavation. If data recovery excavation is appropriate, the excavation must be guided by a data recovery plan prepared and adopted prior to beginning the data recovery work, and a report of findings shall be submitted to FCB, the City of Lodi, and the Central California Information Center (CCR Title 14(3) §15126.4(b)(3)(C)).

Findings for Impact CULT-2: Mitigation Measures CULT-2 requires construction activity, within 25 feet of a prehistoric or historic archaeological materials find, to be diverted and a qualified archaeologist to evaluate the finds and make recommendations. Mitigation Measure CULT-2 will ensure that the resource remains intact until its significance is determined, and a plan is prepared for the protection of the resource, if necessary. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure CULT-2 will be incorporated into the project via conditions of approval, and will reduce Impact CULT-2 to a less-than-significant level.

Impact CULT-4: Ground-disturbing activities associated with the project could disturb human remains, including those interred outside of formal cemeteries.

Mitigation Measure CULT-4: If human remains are encountered, work within 25 feet of the discovery will be redirected and the County Coroner notified immediately. At the same time, an archaeologist will be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the project applicant, the City of Lodi, and the Central California Information Center.

It is anticipated that implementation of Mitigation Measure CULT-4 will reduce impacts to human remains to less-than-significant levels.

Findings for Impact CULT-4: Mitigation Measure CULT-4, which requires the developer to adhere to existing law and professional standards regarding the treatment of human remains, will substantially lessen the potential effects of the project on human remains, including Native American remains. Implementation of Mitigation Measure CULT-4 will ensure that human remains are evaluated for their cultural and archaeological importance and are protected from additional disturbance. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure CULT-4 will be incorporated into the project via conditions of approval, and will reduce Impact CULT-4 to a less-than-significant level.

Impact CULT-5: Ground disturbing activities within the project area could adversely impact paleontological resources.

Mitigation Measure CULT-5: If ground disturbing activity is anticipated below the project area soil layer, the initial ground disturbance below that depth in geologic units shall be monitored by a qualified paleontologist. Subsequent to monitoring this initial ground disturbance, the qualified paleontologist will make recommendations regarding further monitoring based on the initial findings. This can include, but is not limited to, continued monitoring, periodic reviews of ground disturbance below project area soil layers, or no further monitoring.

Pre-field monitoring preparation by a qualified paleontologist shall take into account specific details of project construction plans as well as information from available paleontological, geological, and geotechnical studies. Limited subsurface investigations may be appropriate for defining areas of paleontological sensitivity prior to ground disturbance.

If paleontological resources are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the paleontological monitor has evaluated the resources, prepared a fossil locality form documenting them, and made recommendations regarding their treatment. If paleontological resources are identified, it is recommended that such resources be avoided by project activities. Paleontological monitors must be empowered to halt construction activities within 25 feet of the discovery to review the possible paleontological material and to protect the resource while it is being evaluated. If avoidance is not feasible, adverse effects to such resources shall be mitigated. Mitigation can include data recovery and analysis, preparation of a report and the accession of fossil material recovered to an accredited paleontological repository, such as the University of California Museum of Paleontology, Berkeley (UCMP).

Monitoring shall continue until, in the paleontologist's judgment, paleontological resources are no longer likely to be encountered. Upon project completion, a report shall be prepared documenting the methods and results of monitoring. Copies of this report shall be submitted to the project applicant, the City of Lodi Planning Department, and to the repository where fossils are accessioned.

Finding for Impact CULT-5: Mitigation Measure CULT-5, which sets protocol for the identification and protection of unidentified paleontological resources, will avoid the project's adverse effects to paleontological resources. Requiring a qualified paleontological monitor be present during ground disturbing activities below the soil layer will ensure that adequate measures are taken to protect unidentified resources. Requiring construction to halt if paleontological resources are found will allow such resources to be analyzed and protected (if necessary) without additional disturbance. The presence of a paleontological resources monitor can be easily verified in the field by the City. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure CULT-5 will be incorporated into the project via conditions of approval, and will reduce Impact CULT-5 to a less-than-significant level.

3.5 Geology, Soils and Seismicity

Impact GEO-1: Seismically-induced ground shaking at the project area could result in risk of loss of property, injury, or death.

Mitigation Measure GEO-1a: Each project's conditions of approval shall require the project be designed according to the most recent CBC and UBC Seismic Zone 3 requirements, applicable local codes, and be in accordance with the generally accepted standard for geotechnical practice for seismic design in Northern California.

Mitigation Measure GEO-1b: Prior to the approval of grading plans, the project applicant shall perform design-level geotechnical investigations and incorporate all recommendations into the project construction documents and grading plans.

Findings for Impact GEO-1: Requiring the project to be designed in accordance with the applicable Uniform Building Code and all applicable local codes is feasible, and will minimize hazards associated with ground shaking within the project site. These measures are commonly imposed on development projects in California and are considered to minimize the effect of earthquakes on new structures. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures GEO-1a and GEO-1b will be incorporated into the project via conditions of approval, and will reduce Impact GEO-1 to a less-than-significant level.

Impact GEO-2: The project area contains soils that are moderately corrosive to buried metal objects.

Mitigation Measure GEO-2: If the project includes buried metal components, a corrosion engineer shall be retained to design corrosion protection systems appropriate for the project sites to be approved by the Community Development Department.

Findings for Impact GEO-2: The incorporation of a corrosion protection system into the proposed project will help ensure buried components of the proposed project are able to tolerate moderately corrosive soils at the project sites. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure GEO-2 will be incorporated into the project via conditions of approval, and will reduce Impact GEO-2 to a less-than-significant level.

3.6 Hydrology and Water Quality

Impact HYD-1: Increased runoff volume resulting from creation of new impervious surfaces could potentially exceed the capacity of downstream storm water conveyance structures, resulting in localized ponding and flooding.

Mitigation Measure HYD-1: Implementation of the following two-part mitigation measure would reduce potential impacts associated with increased peak runoff volumes to a less-than-significant level:

1a: As a condition of approval of the final grading and drainage plans for the projects, the Public Works department shall verify that the Master Utility Plan for the Westside site will comply with the City's stormwater requirements.

1b: Prior to the approval of the final grading and drainage plans for the Westside project, a hydraulic analysis shall be provided to the Public Works Department for verification that implementation of the proposed drainage plans would comply with the City's storm water requirements.

Findings for Impact HYD-1: The City finds that requiring compliance with stormwater requirements and a hydraulic analysis of the proposed project would help to ensure that new runoff from the site would not exceed the capacity of existing conveyance structures. The implementation this measure will mitigate the potential effects of new impervious surfaces. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures HYD-1 will be incorporated into the project via conditions of approval, and will reduce Impact HYD-1 to a less-than-significant level.

Impact HYD-2: Construction activities could result in degradation of water quality of storm water runoff and ground water quality in the Project area.

Mitigation Measure HYD-2: The project proponent for each development project shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain.

An important component of the storm water quality protection effort is the knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.

The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, which must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring would be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." RWQCB and/or City personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.

BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated as necessary to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

The City Public Works Department shall review and approve the SWPPP and drainage plan prior to approval of the grading plan. City staff may require more stringent storm water treatment measures, at their discretion. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.

Finding for Impact HYD-2: Mitigation Measure HYD-2, which requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) with both construction and operation-period Best Management Practices (BMPs), will substantially lessen the effects of the project on stormwater quality. A SWPPP is considered by the Regional Water Quality Control Board (RWQCB) to be an effective way to reduce the contamination of stormwater on a project site resulting from erosion and chemical contamination on impervious surfaces. The adequacy of the SWPPP (including associated BMPs) will be verified by the City prior to the initiation of ground-disturbing activities. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure HYD-2 will be incorporated into the project via conditions of approval, and will reduce Impact HYD-2 to a less-than-significant level.

Impact HYD-3: Dewatering may contain contaminants and if not properly managed could be detrimental to construction workers and the environment.

Mitigation Measure HYD-3: Each SWPPP shall include provisions for the proper management of construction-period dewatering. At minimum, all dewatering shall be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary to ensure that only clear water is discharged to the storm or sanitary sewer system, as appropriate. In areas of suspected groundwater contamination (i.e., underlain by fill or near sites where chemical releases are known or suspected to have occurred), groundwater shall be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the project proponent shall acquire the appropriate permit(s) from the RWQCB prior to the release of any dewatering discharge into the storm drainage system.

Section IV.I, Hazards and Hazardous Materials, of this EIR, includes a discussion of the Remediation Action Plan (RAP) and Health and Safety Plan (HSP) for the site. Implementation of Mitigation Measure HAZ-4a, HAZ-4B, HAZ-4c, HAZ-4d, and HAZ-4e would ensure the safety of construction workers from hazardous concentrations of contaminants from soil and groundwater.

Proper implementation of the mitigation measure described above would reduce this impact to a less-than-significant level.

Finding for Impact HYD-3: Mitigation Measure HYD-3 requires that the Storm Water Pollution Prevention Plan (SWPPP) include provisions for the proper management of construction-period dewatering. The adequacy of the SWPPP dewatering provisions will be verified by the City prior to the initiation of ground-disturbing activities. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure HYD-3 will be incorporated into the project via conditions of approval, and will reduce Impact HYD-3 to a less-than-significant level.

3.7 Biological Resources

Impact BIO-1: Implementation of the project could impact western burrowing owl if this species occupies the Westside project site prior to the start of construction.

Mitigation Measure BIO-1: Implementation of these measures will reduce impacts to western burrowing owl to a less than significant level.

1a: Prior to approval of grading plans, the project proponent shall pay the appropriate fees to SJCOG, in accordance with the SJMSCP conservation strategy, for conversion of undeveloped lands.

1b: No more than 30 days prior to any ground disturbing activities, a qualified biologist shall conduct surveys for burrowing owls. If ground disturbing activities are delayed or suspended for more than 30 days after the initial preconstruction surveys, the site shall be resurveyed. All surveys shall be conducted in accordance with CDFG's Staff Report on Burrowing Owls (CDFG, 1995).

1c: If the preconstruction surveys identify burrowing owls on the site during the non-breeding season (September 1 through January 31) burrowing owls occupying the project site shall be evicted from the project site by passive relocation as described in the CDFG's Staff Report on Burrowing Owls (CDFG, 1995).

1d: If the preconstruction surveys identify burrowing owls on the site during the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter (250-foot) protective buffer until and unless the SJMSCP Technical Advisory Committee (TAC), with the concurrence of CDFG representatives on the TAC; or unless a qualified biologist approved by CDFG verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow(s) can be destroyed.

Findings for Impact BIO-1: The City finds that conducting surveys for the western burrowing owl, and adhering to the protocol set forth in Mitigation Measures BIO-1a, BIO-1b, BIO-1c, and BIO-1d is feasible and will adequately protect the species should it occur within the project site. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-1a, BIO-1b, BIO-1c, and BIO-1d will be incorporated into the project via conditions of approval, and will reduce Impact BIO-1 to a less-than-significant level.

Impact BIO-2: Implementation of the project could impact nesting Swainson hawk or other nesting raptors if these species are present on the Westside site or prior to the start of construction.

Mitigation Measure BIO-2: Implementation of these measures will reduce impacts to nesting Swainson's hawk and other nesting raptors to a less-than-significant level.

2a: Prior to approval of grading plans, the project proponent shall pay the appropriate fees to SJCOG, in accordance with the SJMSCP conservation strategy, for conversion of undeveloped lands.

2b: Removal of suitable nest trees shall be completed during the non-nesting season (when the nests are unoccupied), between September 1 and February 15.

2c: If suitable nest trees will be retained and ground disturbing activities will commence during the nesting season (February 16 through August 31), all suitable nest trees on the site will be surveyed by a qualified biologist prior to initiating construction-related activities. Surveys

will be conducted no more than 14 days prior to the start of work. If an active nest is discovered, a 100-foot buffer shall be established around the nest tree and delineated using orange construction fence or equivalent. The buffer shall be maintained in place until the end of the breeding season or until the young have fledged, as determined by a qualified biologist.

In some instances, CDFG may approve decreasing the specified buffers with implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity). If no nesting is discovered, construction can begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.

Findings for Impact BIO-2: The City finds that surveying for nesting Swainson hawk or other nesting raptors, and adhering to the protocol set forth in Mitigation Measures BIO-2a, BIO-2b, BIO-2c, and BIO-2d is feasible and will adequately protect the these species may occur within the project site. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures BIO-2a, BIO-2b, BIO-2c, and BIO-2d will be incorporated into the project via conditions of approval, and will reduce Impact BIO-2 to a less-than-significant level.

Impact BIO-3: The project will impact one area of vernal marsh (seasonal wetland).

Mitigation Measure BIO-3: Implementation of the following mitigation measures will reduce impacts to wetlands (i.e., vernal marsh) to less-than-significant levels.

3a: Wetlands permanently impacted during construction (approximately 0.02 acres) shall be mitigated through preservation, creation and/or restoration of the impacted resources at a minimum ratio of 1:1. If permits are required by ACOE and/or RWQCB, specific mitigation requirements, if different than described above, shall also become a condition(s) of project approval.

3b: Prior to approval of grading plans, the applicant shall obtain any regulatory permits required from the ACOE and/or RWQCB.

Findings for Impact BIO-3: The City finds that preservation, creation, or restoration of wetlands permanently impacted during construction, as well as obtaining all necessary regulatory permits, is feasible and will reduce impacts to wetlands within the project site to a less-than-significant level. These measures are considered adequate means of mitigation. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure BIO-3 will be incorporated into the project via conditions of approval, and will reduce Impact BIO-3 to a less-than-significant level.

3.8 Hazards and Hazardous Materials

Impact HAZ-1: Improper use, storage, or disposal of hazardous materials during construction activities could result in releases affecting construction workers, the public, and the environment.

Mitigation Measure HAZ-1: Preparation and implementation of the required SWPPP (see Mitigation Measures HYD-2 and HYD-3) would reduce the potential impacts of hazardous materials releases during construction to a less-than-significant level. No additional mitigation is required.

Findings for Impact HAZ-1: A SWPPP is considered to minimize environmental effects associated with the leakage or spill of hazardous materials used during the construction period. The City finds that a SWPPP is a feasible mitigation measure and will reduce risks associated with the use of hazardous materials during the construction period to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure HAZ-1 will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-1 to a less-than-significant level.

Impact HAZ-5: Many of the parcels within the project area contain hazardous materials that may be harmful to the public and the environment.

Mitigation Measure HAZ-5: Prior to approval of any demolition or construction permits, ASTs, pesticides, waste oil, equipment maintenance chemicals, discarded trash and debris shall be removed from the individual project site and disposed in accordance with applicable regulations.

Findings for Impact HAZ-5: The City finds removal of hazardous materials in accordance with applicable regulations as a feasible mitigation measure and will reduce risks associated the hazardous materials that may be on the project sites. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure HAZ-5 will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-5 to a less-than-significant level.

Impact HAZ-6: The septic tanks and wells on the Westside site could potentially create a significant hazard to the public or the environment.

Mitigation Measure HAZ-6: Prior to approval of any grading plans or construction permits for each individual project, the wells and septic system shall be properly abandoned in accordance with applicable regulations.

Findings for Impact HAZ-6: The City finds removal of septic tanks and wells in accordance with applicable regulations as a feasible mitigation measure and will reduce risks associated with septic systems and wells. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure HAZ-6 will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-6 to a less-than-significant level.

Impact HAZ-8: Demolition of buildings containing lead-based paint and asbestos-containing building materials and the removal of asbestos containing irrigation pipes could release airborne lead and asbestos particles, which may affect construction workers and the public.

Mitigation Measure HAZ-8: Implementation of the following two-part mitigation measure would reduce this impact to a less-than-significant level.

8a: As a condition of approval for a demolition permit for the project site buildings, an asbestos and lead-based paint survey shall be performed. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement

contractor in accordance with the regulations and notification requirements of the San Joaquin Valley Air Quality Control District. If lead-based paints are identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint are identified, they shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

8b: As a condition of approval for grading plans for the project sites, an asbestos investigation of subsurface structures shall be conducted. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Joaquin Valley Air Quality Control District.

Finding for Impact HAZ-8: Mitigation Measures HAZ-8a and HAZ-8b require the investigation and abatement of asbestos and lead within the project sites prior to demolition and will substantially lessen the health risks resulting from the presence of these substances. After any necessary abatement, these materials will not pose a health threat to construction workers or future employees or customers of the project site. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measures HAZ-8a and HAZ-8b will be incorporated into the project via conditions of approval, and will reduce Impact HAZ-8 to a less-than-significant level.

3.9 Visual Resources

Impact VIS-2: *The proposed project would create a new source of light and glare affecting day and nighttime views.*

Mitigation Measure VIS-2: Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties. The proposed project shall incorporate non-mirrored glass to minimize daylight glare.

Findings for Impact VIS-2: The City finds that designing outdoor lighting to minimize glare and spillover light and requiring non-mirrored glass in construction of the housing is a feasible mitigation measure and will reduce impacts associated with light and glare to a less-than-significant level. Pursuant to *CEQA Guidelines* Section 15091(a)(1), the City finds that Mitigation Measure VIS-2 will be incorporated into the project via conditions of approval, and will reduce Impact VIS-2 to a less-than-significant level.

SECTION 4: SIGNIFICANT EFFECTS THAT MAY NOT BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL

The Draft EIR and Response to Comments document identify several impacts that cannot be mitigated to a less-than-significant level even though the City finds that all feasible mitigation measures have been identified and adopted as part of the project. The significant unavoidable impacts are discussed below.

4.1 Land use

Impact LU-2: The proposed projects would result in the conversion of approximately 151 acres of Prime Farmland to non-agricultural uses.

Mitigation Measure LU-2: Prior to issuance of a building permit after the first quarter of the combined building permits for the Westside have been approved, the applicant shall provide and undertake a phasing and financing plan (to be approved by the City Council) for one of the following mitigation measures:

(1) Identify acreage at a minimum of 1:1 ratio in kind of approximately 151 acres of prime farmland (currently not protected or within an easement) to protect in perpetuity as an agricultural use in a location as determined appropriate by the City of Lodi in consultation with the Central Valley Land Trust; or

~~(2) Pay a fee equal to the value of 392 acres as determined by an independent qualified consultant retained by the City in consultation with the Central Valley Land Trust. The City will determine to whom the fee shall be paid.~~

(2) With the City Council's approval, comply with the requirements of the County Agricultural mitigation program.

Findings for Impact LU-2: The proposed project would convert approximately 151 acres of prime farmland. While the mitigation measures would result in other farmland being preserved, the impact would remain significant and unavoidable. However, pursuant to Section 21091(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable based on specific overriding considerations found herein in Section 8 below.

Impact LU-3: The proposed projects would result in a conflict with existing Agricultural Use and Williamson Act Contracts.

Mitigation Measure LU-3: The applicant shall pay all fees associated with terminating a Williamson Act Contract.

Findings for Impact LU-3: The proposed project would conflict with existing Williamson Act Contracts. While the applicant would pay all required fees associated with terminating a Williamson Act Contract, the proposed project would still result in significant impact. However, pursuant to Section 21091(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable based on specific overriding considerations found herein in Section 8 below.

4.2 Transportation, Circulation and Parking

As is noted in the Final EIR, the City has the capacity to reduce to a less-than-significant level the impacted intersections in the project-related and cumulative conditions. However, as is noted in the EIR, the City may decide not to implement the identified improvement in order to further other City General Plan goals. As such, the potential transportation impacts is less-than-significant, but would be significant and unavoidable if the City decides not to implement selected improvements.

Impact TRANS-1: Implementation of the proposed project would significantly impact the level of service at 16 intersections under the Existing with Project scenario.

Mitigation Measure TRANS-1: Each of the following mitigation measures shall be implemented to reduce the project's impact on the identified 16 intersections:

1a: Mitigation Measure AIR-2 identifies measures recommended by the *SJVAPCD's "Guide for Assessing and Mitigating Air Quality Impacts* to reduce vehicle trips and associated air quality impacts. Implementation of the same measures would also reduce associated traffic impacts. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project and shall be implemented to the extent feasible and desired by the City:

- Provide pedestrian enhancing infrastructure that includes: sidewalks and pedestrian paths, direct pedestrian connections, street trees to shade sidewalks, pedestrian safety designs/infrastructure, street furniture and artwork, street lighting and or pedestrian signalization and signage.
- Provide bicycle enhancing infrastructure that includes: bikeways/paths connecting to a bikeway system, secure bicycle parking.
- Provide transit enhancing infrastructure that includes: transit shelters, benches, etc., street lighting, route signs and displays, and/or bus turnouts/bulbs.
- Provide park and ride lots.

The implementation of an aggressive trip reduction program with the appropriate incentives for non-auto travel can reduce project impacts by approximately 10 to 15 percent. Such a reduction would help minimize the project's impact.

1b: The implementation of each of the improvements listed in Table IV.B-6 would reduce the impacts to the identified 16 intersections to a less-than-significant level. To mitigate these impacts, the project applicant shall prepare a Traffic Mitigation Implementation and Financing Plan that details each of the physical improvements and the timing and geometric changes listed in Table IV.B-6 for both the Existing + Project and Cumulative scenarios (cumulative to address Impact TRANS-2), who will be responsible for implementing the improvement, the applicant's fair share contribution towards the improvement, how the improvement will be funded including a reimbursement program where appropriate; and the schedule or trigger for initiating and completing construction prior to the intersection operation degrading to an unacceptable level. The Plan may include an annual monitoring program of the intersections as a method for determining the schedule for implementing each improvement. The Plan shall take into account whether an improvement is already programmed and/or funded in a City or County program (i.e., Lodi Development Impact Mitigation Fee Program, San Joaquin County Regional Transportation Impact Fee, Measure K (existing or renewal program), and San Joaquin Council of Governments Regional Transportation Improvement Program). If an improvement is included in one or more of these programs, the Plan needs to consider whether the programs schedule for the improvement will meet the needs of the project and if not identify alternatives. The Plan shall be submitted to City staff for review and City Council approval prior to submittal of a Development Plan application.

Implementation of Measure TRANS-1a and TRANS-1b, would mitigate the project's impact on existing conditions to a less-than-significant level. However, the City may decide to not implement select improvements in order to avoid trending towards a community that is too orientated to the automobile, which would conflict with some of the General Plan policies that emphasize pedestrian scale. Additionally some of the improvements identified are short-term solutions that the City may not choose to implement if a more significant long-term improvement is being planned (i.e., reconstruction of the Kettleman Lane/SR 99 interchange). As a result, the project's impact at some intersections may be significant and unavoidable if the City chooses not to implement the recommended mitigation measure.

Findings for Impact TRANS-1: The proposed project would significantly impact 16 intersections. While the mitigation measures are available to reduce potential impacts to a less-than-significant level, the City may decide to not implement measures so as to not conflict with some policies of the General Plan, thus resulting in a significant impact. However, pursuant to Section 21091(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable based on specific overriding considerations found herein in Section 8 below.

Impact TRANS-2: Implementation of the proposed project would significantly impact the LOS at 21 intersections under the 2030 Cumulative scenario.

Mitigation Measure TRANS-2: Implementation of Measure TRANS-1a and TRANS-1b, would mitigate the project's contribution to Cumulative condition to a less-than-significant level at the 21 intersections that would be significantly impacted in the 2030 Cumulative condition. For the intersections that could be mitigated to a less-than significant level, the City may decide to not implement select improvements in order to avoid trending towards a community that is too orientated to the automobile, which would conflict with some of the General Plan policies that emphasize pedestrian scale. Additionally some of the improvements identified are short-term solutions that the City may not choose to implement if a more significant long-term improvement is being planned (i.e., reconstruction of the Kettleman Lane/SR 99 interchange).

Findings for Impact TRANS-2: The proposed project would significantly impact 21 intersections in the cumulative scenario. While the mitigation measures are available to reduce potential impacts to a less-than-significant level, the City may decided to not implement measures so as to not conflict with some policies identified in the General Plan. However, pursuant to Section 21091(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable based on specific overriding considerations found herein in Section 8 below.

4.3 Air Quality

Impact AIR-2: Project-related regional emissions would exceed the SJVAPCD thresholds of significance for ozone precursors.

Mitigation Measure AIR-2: The *SJVAPCD's "Guide for Assessing and Mitigating Air Quality Impacts"* identifies potential mitigation measures for various types of projects. The Guide identifies a number of measures to further reducing vehicle trip generation and resulting emissions. The following measures shall be implemented to the extent feasible (it is noted that many of these features are already incorporated into the project).

- Provide pedestrian enhancing infrastructure that includes: sidewalks and pedestrian paths, direct pedestrian connections, street trees to shade sidewalks, pedestrian safety designs/infrastructure, street furniture and artwork, street lighting and or pedestrian signalization and signage.
- Provide bicycle enhancing infrastructure that includes: bikeways/paths connecting to a bikeway system, secure bicycle parking.
- Provide transit enhancing infrastructure that includes: transit shelters, benches, etc., street lighting, route signs and displays, and/or bus turnouts/bulbs.
- Provide park and ride lots.

The plans for each phase of the proposed project shall implement these measures to the extent feasible and appropriate. The implementation of an aggressive trip reduction program with the appropriate incentives for non-auto travel can reduce project impacts by approximately 10 to 15 percent. A reduction of this magnitude could reduce emissions, however, ozone precursors would still exceed the significance thresholds. There is no mitigation available with currently feasible technology to reduce the project's regional air quality impact by an additional 50 percent to a less-than-significant level. Therefore, the project's regional air quality impacts would remain significant and unavoidable.

Finding for Impact AIR-2: Implementation of trip reduction measures, such as providing transit facilities, sidewalks, and bicycle enhancing infrastructure, would reduce vehicle emissions by approximately 10 to 15 percent. However, this reduction would not be sufficient to reduce ozone precursors to below the significance threshold. Only substantially restricting private vehicle use in and around Lodi would reduce this impact to a less-than-significant level. However, such draconian measures are not socially or politically feasible. There are no other feasible measures that would reduce vehicle emissions from the project to below the SJVAPCD threshold. Pursuant to Section 21081(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable based on the specific overriding considerations found in Section 8 below.

4.4 Noise

As is noted in the Final EIR, the City has the capacity to reduce to a less-than-significant level the impacted intersections in the project-related and cumulative conditions. However, as is noted in the EIR, the City may decide not to implement the identified improvement in order to further other City General Plan goals. As such, the potential transportation impacts is less-than-significant, but would be significant and unavoidable if the City decides not to implement selected improvements.

Impact NOI-2: Local traffic would generate long-term noise levels exceeding *Normally Acceptable* and *Conditionally Acceptable* noise levels on the project site.

Mitigation Measure NOI-2a: A 6-foot-high sound wall shall be constructed along the rear property line of all lots adjacent to Kettleman Lane, Lower Sacramento Road and Harney Lane.

Mitigation Measure NOI-2b: Mechanical ventilation (such as air conditioning) shall be installed in the proposed residential units adjacent to Kettleman Lane, Lower Sacramento Road and Harney Lane so that the windows can remain closed for prolonged periods of time.

Mitigation Measure NOI-2c: Windows with a minimum STC rating of STC-32 shall be installed in all units directly exposed to Kettleman Lane, Lower Sacramento Road and Harney Lane.

Mitigation Measure NOI-2d: A sound barrier with a minimum height of 5 feet is recommended for all upper floor outdoor use areas directly adjacent to Kettleman Lane, Lower Sacramento Road and Harney Lane.

Should the City determine that sound wall and sound barriers are not appropriate or feasible for the proposed project, the impact would be considered significant and unavoidable.

Findings for Impact NOI-2: Local traffic would generate long-term noise levels exceeding *Normally Acceptable* and *Conditionally Acceptable* noise levels on the project site. While the mitigation measures are available to reduce potential impacts to a less-than-significant level, the City may decide to not implement measures so as to created walled communities, thus resulting in a significant impact. However, pursuant to Section 21091(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable based on specific overriding considerations found herein in Section 8 below.

4.5 Visual Resources

Impact VIS-1: The proposed project would degrade the existing visual character.

Mitigation Measure VIS-1: No mitigation is available to reduce this significant and unavoidable impact.

Findings for Impact VIS-1: The proposed project would result in the conversion of farmland, which would degrade the existing visual character; there are no mitigation measures available to reduce this impact to a less-than-significant level. However, pursuant to Section 21091(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable based on specific overriding considerations found herein in Section 8 below.

4.6 Growth Inducement

Impact GROWTH-1: Potential growth-inducing impacts associated with the project's ability to facilitate development to the west if the City decides it wants to grow west.

Mitigation Measure GROWTH-1: No mitigation was identified to reduce this potentially significant and unavoidable impact.

Findings for Impact GROWTH-1: The proposed project could result in the growth-inducing impacts by facilitating development to the west if the City should decide that it wants to grow to the west. However, pursuant to Section 21091(a)(3) of the Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that this impact is acceptable based on specific overriding considerations found herein in Section 8 below.

SECTION 5: EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT OR NOT SIGNIFICANT

The City finds that, based upon substantial evidence in the record, as discussed below, the following impacts associated with the project are not significant or less than significant.

5.1 Mineral Resources

The City of Lodi General Plan does not identify the project sites as mineral resources. Additionally, the San Joaquin County General Plan does not identify the project sites as significant sand and gravel aggregate resource areas or as generalized aggregate extraction sites. The project sites do not contain known mineral resources, and the majority of the project sites are in active agricultural uses.

5.2 Population, Employment and Housing

The City of Lodi Housing Element was adopted by the City in 2004. The Housing Element anticipated the development of the Westside and SW Gateway sites. As such, housing and population impacts were addressed within this Element, and the environmental impacts associated with Population and Housing were addressed in the EIR that was completed for the Housing Element.

SECTION 6: SIGNIFICANT CUMULATIVE EFFECTS

The cumulative analysis in the Draft EIR utilizes development that is likely to occur under the buildout of the General Plan in addition to specific development projects listed on page 324 of the Draft EIR.

6.1 Land Use and Planning Policy

The proposed project includes the development of the Westside project site, which is within the City's Sphere of Influence.

While the proposed project would develop land that is currently in agricultural production, this land is designated as "Planned Residential" within the City's General Plan. Additionally, the Housing Element of the General Plan identifies these sites as areas to be developed. As such, the project would not contribute to any significant cumulative land use impacts.

6.2 Transportation, Circulation and Parking

As noted in the Draft EIR, 21 intersections would be significantly impacted by the proposed project. However, all the intersection impacts could be reduced to a less than significant level with implementation of the identified mitigation measures discussed in Section IV.B of the Draft EIR. However, the City may choose not to implement some of these mitigation measures so as to further certain goals within the General Plan.

6.3 Air Quality

A number of individual projects in the City of Lodi may be under construction simultaneously with the proposed project. Depending on construction schedules and actual implementation of projects in the area, generation of fugitive dust and pollutant emissions during construction may result in short-term air pollutants, which would contribute to short-term cumulative air quality impacts. However, each individual project would be subject to SJVAPCD rules, regulations, and other mitigation requirements during construction.

Currently, the San Joaquin Valley is in non-attainment for ozone, PM_{10} and $PM_{2.5}$ standards. Construction of the proposed projects, in conjunction with other planned developments within the study area, would contribute to the non-attainment status. Thus, the proposed projects would exacerbate nonattainment of air quality standards within the San Joaquin Valley. Section IV.C, Air Quality, of the Draft EIR, includes a discussion of cumulative and future conditions related to air quality.

6.4 Noise

Implementation of the proposed project and cumulative projects would result in noise increase in the City of Lodi due to construction-period activity and increased traffic on City streets. However, noise increases associated with construction of the proposed project would be reduced to a less-than-significant level through the implementation of Mitigation Measure NOISE-1, which would restrict construction activities to daytime hours, reduce unnecessary idling of construction equipment, and require muffling of combustion engines. It is anticipated that cumulative projects in Lodi would incorporate these standard noise-reduction measures and that the project construction would not result in substantial adverse cumulative noise impacts. Cumulative traffic noise is discussed in Section IV.D, Noise, of the Draft EIR. Implementation of the proposed project would not be anticipated to significantly change noise levels.

6.5 Cultural and Paleontological Resources

Construction activities associated with the proposed project and cumulative projects could result in significant impacts to unidentified archaeological and paleontological resources, and human remains. However, like the proposed projects, the cumulative projects would be subject to extensive mitigation measures designed to protect unidentified cultural and paleontological resources. Such mitigation would include the monitoring of construction areas and ensuring that the recovery of human remains is reported to the proper authorities. With implementation of the proposed mitigation measures, the proposed projects would not result in any significant and unavoidable impact. The project would not contribute to any significant cumulative cultural and paleontological resources impact.

6.6 Geology, Soils and Seismicity

The potential cumulative impact for geology does not generally extend far beyond a project's boundaries, since geological impacts are confined to discrete spatial locations and do not combine to create an extensive cumulative impact condition. The exception to this generalization would occur where a large geologic feature (e.g., fault zone, massive landslide) might affect an extensive area, or where the development effects from the project could affect the geology of an off-site location. These circumstances are not present on the project site, and implementation of the project would not make a considerable contribution to a significant cumulative geologic impact.

6.7 Hydrology and Water Quality

The proposed project would result in an increase in impervious surface area and an increase in the amount of storm water generated on the project sites. Construction and operational impacts to stormwater that would result from implementation of the proposed project would be minimized through implementation of the SWPPP. The runoff from the project sites, in combination with other sites, could exceed the capacity of conveyance structures. The project applicant must incorporate design features and show the projects ability to contain and convey stormwater on the project site. It is anticipated that other cumulative projects in Lodi would be required to undergo the same water quality maintenance measures and would not result in cumulative adverse impacts to water quality.

6.8 Biological Resources

Impacts to biological resources from the proposed project would consist primarily of loss agricultural lands (row crops and orchards) and nonnative grassland, which provide foraging habitat for several special status species, and potential impacts to burrowing owl, Swainson's hawks nesting habitat, and seasonal wetlands. Except for the potential impacts to seasonal wetlands, impacts to biological resources resulting from project implementation will be offset through the City's implementation of the SJMSCP conservation strategy. The SJMSCP conservation strategy was developed in consideration of projected growth in San Joaquin County, and thus was developed to minimize cumulative impacts to SJMSCP covered species. In addition, other projects in the area with similar impacts to biological resources are also likely to implement the SJMSCP conservation strategy. Consequently, with implementation of the SJMSCP conservation strategy, the project will not result in significant cumulative impacts to SJMSCP covered species.

Potential project impacts to seasonal wetlands will be minor due to the small area affected, the low habitat value associated with the seasonal wetlands on the project site, and the proposed mitigation that will reduce impacts to a level less than significant. Consequently, although other projects in the area could result in impacts to similar wetlands, the project will not result in significant cumulative affect to seasonal wetlands.

6.9 Hazards and Hazardous Materials

As two of several residential developments within the City of Lodi, the project would contribute to increase in the generation of household hazardous wastes in the City. Implementation of the proposed projects would help to ensure that existing hazardous materials contamination on the project site is remediated. Given the residential nature of the proposed projects, it is unlikely that the project would involve the use or storage of large quantities of hazardous materials or waste. The proposed project would not result in significant cumulative hazardous materials impact.

6.10 Utilities

Development of the proposed project, in addition to other future development in the area would cumulatively increase the demand on utility providers and infrastructures in the project area. None of the various public services or utilities analyzed would experience significant impacts that could not be mitigated to a less-than-significant level. As such, no significant cumulative impact would result. A water analysis has determined that there is enough water to serve the proposed projects. Additionally, there is enough capacity within the City's wastewater system to serve the project site. The proposed project would require the construction of connections to the water system, wastewater system, and storm drainage facilities. The project applicant would be required to pay its fair share to construct any improvements needed to serve the project, and would therefore not contribute to a cumulative impact.

6.11 Public Services

Development of the proposed project, in conjunction with planned future area development would cumulatively increase the demand on public services in the project area. None of the public services analyzed would experience significant unavoidable impacts with the implementation of mitigation measures. The proposed project includes a potential site for a future fire station and the City will fund additional fire department staff via the General Fund and other available revenue from the project. The project would result in need for additional police staff to meet service ratios. However, the police

department currently does not meet service ratios, and the need for additional staff would result in a fiscal impact, not as a significant environmental impact. In addition to paying applicable school impact fees, acreage is provided within the Westside for school facilities. It is assumed that other cumulative projects would be required to pay school mitigation fees, which would reduce the cumulative impact to school services to a less-than-significant level.

6.12 Visual Resources

The proposed project would transform an area that is currently land in agricultural use to residential and public uses. This development would be considered similar in type and density to development immediately adjacent to the west. Removing land in agricultural production and replacing it with residential development would result in a significant and unavoidable visual impact. However, the City of Lodi General Plan identifies the project sites as areas to be developed. As such, the project site would not result in a significant cumulative visual impact.

6.13 Energy

Implementation of the proposed project would result in an increase in energy consumption. Demolition and construction activities associated with the project would result in the nonreversible use of energy resources such as fuel and bound energy in the form of construction materials. The installation of the new electrical substation, located on a parcel adjacent to Kettleman Lane, would be designed to accommodate the additional electrical demand of the proposed project. Energy conservation standards contained in the California Code of Regulations (Title 24) for new residential and commercial development would ensure that the new development would be designed to reduce wasteful, inefficient and unnecessary use of electricity.

Energy consumed for transportation would be subject to the fuel efficiency standards for vehicles in California, which are designed to reduce wasteful and inefficient energy use in private vehicles. The project would include pedestrian and bicycle design elements to further reduce the consumption of energy for transportation. The inclusion of parks and schools within walkable distances from the residential areas within the project sites would reduce vehicle miles traveled associated with the implementation of the proposed project.

The proposed project would result in an increase in demand for energy, but established State and federal standards are in place to curtail wasteful, inefficient and unnecessary use of energy.

SECTION 7: FEASIBILITY OF PROJECT ALTERNATIVES

7.1 Project Alternatives

The Draft EIR included four alternatives: the No Project/No Build Alternative, the Agricultural Residential Alternative, the Reduced Density Alternative, and the Increased High Density Alternative. Each of these alternatives discusses on the development of the Westside project site.

The City Council hereby concludes that the Draft EIR sets forth a reasonable range of alternatives to the Westside Project so as to foster informed public participation and informed decision making. The City Council finds that the alternatives identified and described in the Draft EIR were considered and further finds them to be infeasible for the specific economic, social, or other considerations set forth below pursuant to CEQA section 21081(c).

7.1.1 No Project/No Build Alternative. The No Project/No Build alternative assumes that the project sites would generally remain in their existing conditions and would not be subject to development. Under this alternative, the project sites would not be incorporated into the City of Lodi, and existing agricultural use of the project site would continue. There would be no structures constructed on the project sites, and all existing structures would remain. The schools, aquatic center, parks, and park basins would not be built.

Findings. The No Project/No Build alternative would not achieve any of the objectives for the Westside project. This alternative would not result in the significant unavoidable environmental impact related to implementation of the project. However, the No Project/No Build alternative would not result in the construction of any housing or recreational facilities. Therefore, the City rejects the No Project/No Build alternative.

7.1.2 Agricultural Residential Alternative. The Agricultural Residential alternative would retain the agricultural character of the project site, and would provide residential housing at a density of 1 unit per 20 acres. A density bonus would be granted which would allow 1 additional unit per 10 acres. This would result in a total of approximately 20 units on the Westside site. Agricultural uses would still occur on the project site, but the acreage would be reduced so as to accommodate the 20 units. The Westside site would be annexed by the City of Lodi.

This alternative would not include the construction of any schools on the project site. The aquatic center and some park area would be incorporated into the project site. However, no park/basins would be included on the project sites.

Findings. The Agricultural Residential alternative would not achieve the following objectives of the proposed project:

Westside Project.

- Develop a diversity of high quality housing types to meet housing needs within the City of Lodi.
- Provide affordable housing options within the City of Lodi.
- Develop a school site that would serve future residents of the proposed project as well as other Lodi residents.
- Develop an "open space pedestrian/bicycle central spine" within the project site that connects to recreational and pedestrian amenities further south of the project site.
- Provide a site that could accommodate future development of an aquatic center.
- Provide adequate basin capacity for storm water detention.

The alternative would result in the creation of significantly fewer housing units and recreational facilities. Additionally, this alternative would not provide school sites or the same amount of recreational facilities. Therefore, the City rejects the Agricultural Residential Alternative.

7.1.3 The Reduced Density Alternative. The Reduced Density alternative would reduce the density of the SW Gateway project and develop the Westside project site as the proposed project would. The Westside project would include 370 low density units, 195 medium density units, and 175 high density units. In addition, the Westside project would include the aquatic center, 20 acres of parks and park/basins, and 10.6 acres school site. The SW Gateway site would have approximately 681 low density homes, which would average three units per gross acre. The SW Gateway site would include approximately 30 acres of parks and park/basins, but would not include a school site.

Findings. The Reduced Density Alternative would achieve all of the objectives for the Westside project. However, the project would not achieve the following objectives for the SW Gateway project:

- Develop a diversity of high quality housing types to meet housing needs within the City of Lodi.
- Provide affordable housing options within the City of Lodi.
- Develop a school site that would serve future residents of the proposed project as well as other Lodi residents.
- Provide adequate basin capacity for storm water detention.

When compared to the proposed project, the Reduced Density alternative would result in a reduction in the number of units and number of school sites. Therefore, the City rejects the Reduced Density Alternative.

7.1.4 Increased High-Density Alternative. This alternative would change the mix of housing units on the Westside site. The site would have low density units at a density of 3 dwelling units per acre, and high density units at a density of 25 dwelling units per acre. There would be no medium density units incorporated into the project sites. The Westside project site would include the following components: 258 low density units (86 acres); 600 high density units (24 acres); one school site; one aquatic center; one site for a future fire station; and 20 acres of parks and park/basins.

Findings. The Increased High-Density alternative would meet all the objectives and would result in a total of 858 units. However, this alternative would not provide any medium density housing options. The Housing Element discusses the desire for a mixed of residential land uses, which this alternative would not provide. Therefore, the City rejects the Increased High-Density alternative.

7.2 Environmentally Superior Alternative

CEQA requires the identification of the environmentally superior alternative in an EIR. Of the four alternatives analyzed above, the No Project/No Build alternative is considered the environmentally superior alternative in the strict sense that the environmental impacts associated with its implementation would be the least of all the scenarios examined (including the proposed project). While this alternative would be environmentally superior in the technical sense that contribution to these aforementioned impacts would not occur, this alternative would not meet many of the project objectives.

In cases like this where the No Project/No Build alternative is the environmentally superior alternative, CEQA requires that the second most environmentally superior alternative be identified. The Agricultural Residential alternative would be considered the second most environmentally superior alternative. Under this alternative, there would be a reduction in potential land use impacts as the

majority of the site would remain in agricultural production. This alternative would result in significantly fewer trips, and associated air quality emission, than compare to the proposed project. As there would be limited development on the site, the potential impact to biological resources and water quality would be reduced. Additionally, this alternative would create significantly reduced demand on public services and utilities than the proposed project. However, this project would not meet the project objectives of providing increased residential opportunities is the City of Lodi, as well as providing parks and public facilities.

Findings. The City finds that the Agricultural Residential alternative would be environmentally superior to the project, but would not provide increased residential opportunities in the City of Lodi or provide parks and public facilities. Additionally, specific economic, legal, social, technological, or other considerations make this alternative infeasible. Therefore, the City rejects these alternatives, and further adopts the specific overriding considerations found in Section 8.

SECTION 8: STATEMENT OF OVERRIDING CONSIDERATIONS

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable risks when determining whether to approve a project. If the specific economic, legal, social, technological or other benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable.[4] CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record.[5]

In accordance with the requirements of CEQA and the *CEQA Guidelines*, the City finds that the mitigation measures identified in the Final EIR and the Mitigation Monitoring and Reporting Program, when implemented, avoid or substantially lessen many of the significant effects identified in the Draft and Final EIR. To the extent any mitigation measures recommended in the EIR and/or proposed project could not be incorporated, such mitigation measures are infeasible because they would impose restrictions on the project and would prohibit realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts. The City Council further finds that except for the proposed project, all other alternatives set forth in the EIR are infeasible because they would prohibit the realization of project objectives and/or of specific economic, social and other benefits the City Council finds outweigh any environmental benefits of the alternatives.

Nonetheless, several significant impacts of the project are unavoidable even after incorporation of all feasible mitigation measures. The significant unavoidable impacts are identified and discussed in Section 4 of these Findings. The City further specifically finds that notwithstanding the disclosure of the significant unavoidable impact, there are specific overriding economic, legal, social, and other reasons for approving this project. Those reasons are as follows:

a. The project will develop a diversity of high quality housing types to meet housing needs within the City of Lodi.

[4] *CEQA Guidelines*, Section 15093(a)

[5] *CEQA Guidelines*, Section 15093(b)

b. The project will provide affordable housing options within the City of Lodi

c. The project will provide park areas and recreational uses that help meet park standards within the City of Lodi.

d. The project will develop school sites that would serve future residents of the proposed project as well as other Lodi residents.

e. The project will develop an "open space pedestrian/bicycle spine" within the project sites that connects to potential recreational and pedestrian amenities further south of the project site.

f. The project will provide a site that could accommodate future development of an aquatic center.

g. The project will provide adequate basin capacity for storm water detention.

h. The project will ensure orderly development pursuant to LAFCO standards.

i. The project will facilitate future residential development of these parcels within the City's jurisdiction.

j. The project will generate revenue for the City. The City finds that property taxes from residential areas are important to the City's revenues in order to maintain and provide services to the community. In addition, the Community Facilities District (CFD) created for this project would insure that the City is not overburdened by public services associated with this project.

On balance, the City finds that there are specific considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects. Therefore, pursuant to *CEQA Guidelines* Section 15093(b), the adverse effects of the project are considered acceptable.

ATTACHMENT B

MITIGATION MONITORING AND REPORTING PROGRAM

MITIGATION AND MONITORING REPORTING PROGRAM FOR WESTSIDE PROJECT

This Mitigation and Monitoring Reporting Program (MMRP) lists the mitigation measures recommended in the Lodi Annexation EIR for the proposed projects and identifies monitoring schedule, mitigation responsibility, and monitoring procedures. Monitoring and reporting details are only provided for mitigation measures necessary to avoid or reduce significant impacts of the project.

Table 1 presents the mitigation measures identified for the project. Each mitigation measure is numbered with a symbol indicating the topical section to which it pertains, a hyphen, and the impact number. For example, CULT-3 is the third mitigation measure identified in the Cultural and Paleontological Resources analysis.

The first column of Table 1 provides the mitigation measure(s) as identified in Chapter IV of the Draft EIR for the proposed project. The second column identifies the monitoring schedule. The third column, "Mitigation Responsibility," identifies the party(ies) responsible for carrying out the required action(s). The fourth column, "Monitoring Procedures," identifies the party(ies) ultimately responsible for ensuring that the mitigation measure is implemented.

Table 1: Mitigation Monitoring and Reporting Program

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
A. LAND USE, AGRICULTURE AND PLANNING POLICY					
LU-1: To reduce agricultural/residential land use incompatibilities, the following shall be required: a. The applicant shall inform and notify prospective buyers in writing, prior to purchase, about existing and on-going agricultural activities in the immediate area in the form of a disclosure statement. The notifications shall disclose that the residence is located in an agricultural area subject to ground and aerial applications of chemical and early morning or nighttime farm operations which may create noise, dust, et cetera. The language and format of such notification shall be reviewed and approved by the City Community Development Department prior to recordation of final map(s). Each disclosure statement shall be recorded at the County Recorder's Office and acknowledged with the signature of each prospective owner. Additionally, each prospective owner shall also be notified of the City of Lodi and the County of San Joaquin Right-to-Farm Ordinances. b. The conditions of approval for the tentative map(s) shall include requirements ensuring the approval of a suitable design and the installation of a landscaped open space buffer area, fences, and/or walls around the perimeter of the project site affected by the potential conflicts in land use to minimize conflicts between project residents, non-residential uses, and adjacent agricultural uses prior to occupancy of adjacent houses. c. Prior to recordation of the final map(s) for homes adjacent to existing agricultural operations, the applicant shall submit a detailed wall and fencing plan for review and approval by the Community Development Department.	Prior to approval of Tentative Map(s) and recordation of the Final Map(s)	Applicant	The project applicant shall prepare: a) A disclosure notification regarding the existing agricultural activities which must be reviewed and approved by the Community Development Department and signed by each prospective owner; b) Tentative maps that show suitable design and installation of a landscaped open space buffer area, fences, and/or walls that minimize conflicts between residential uses and existing agricultural operations; and c) A detailed wall and fencing plan for review and approval by the Community Development Department.		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
Mitigation Measure LU-2: Prior to issuance of a building permit after the first quarter of the building permits for the Westside project have been approved, the applicant shall provide and undertake a phasing and financing plan (to be approved by the City Council) for one of the following mitigation measures: (1) Identify acreage at a minimum ratio of 1:1 in kind (approximately a total of 151 acres of prime farmland (currently not protected or within an easement) to protect in perpetuity as an agricultural use in a location as determined appropriate by the City of Lodi in consultation with the Central Valley Land Trust; or (2) With the City Council's approval, comply with the requirements of the County Agricultural Mitigation program.	Prior to issuance of a building permit after the first quarter of the combined Westside and SW Gateway building permits have been approved.	Applicant	The applicant shall either: 1) Identify prime farmland to protect for in perpetuity as determined appropriate by the City of Lodi, or 2) Participate in the County Agricultural Mitigation program		
LU-3: The applicant shall pay all fees associated with terminating a Williamson Act Contract.	Prior to issuance of building permits for structures on parcels with active Williamson Act Contracts	Applicant	The applicant shall pay all fees associated with terminating a Williamson Act contract		
B. TRAFFIC AND CIRCULATION					
TRANS-1: Each of the following mitigation measures shall be implemented to reduce the project's impact on the identified 15 intersections: 1a: Mitigation Measure AIR-2 identifies measures recommended by the *SJVAPCD's "Guide for Assessing and Mitigating Air Quality Impacts* to reduce vehicle trips and associated air quality impacts. Implementation of the same measures would also reduce associated traffic impacts. The following are considered to be feasible and effective in further reducing vehicle trip generation and resulting emissions from the project and shall be implemented to the extent feasible and desired by the City:	Prior to Tentative Subdivision Map approval	Applicant	The project applicant shall: 1) Implement the identified vehicle trip generation and resulting emission desired by the City; and 2) Prepare a Traffic Mitigation Implementation and Financing Plan (for review and approval by the City/City Council) and implement the identified improvements.		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
• Provide pedestrian enhancing infrastructure that includes: sidewalks and pedestrian paths, direct pedestrian connections, street trees to shade sidewalks, pedestrian safety designs/infrastructure, street furniture and artwork, street lighting and or pedestrian signalization and signage. • Provide bicycle enhancing infrastructure that includes: bikeways/paths connecting to a bikeway system, secure bicycle parking. • Provide transit enhancing infrastructure that includes: transit shelters, benches, etc., street lighting, route signs and displays, and/or bus turnouts/bulbs. • Provide park and ride lots. The implementation of an aggressive trip reduction program with the appropriate incentives for non-auto travel can reduce project impacts by approximately 10 to 15 percent. Such a reduction would help minimize the project's impact.					
1b: The implementation of each of the improvements listed in Table IV.B-6 would reduce the impacts to the identified 16 intersections to a less-than-significant level. To mitigate these impacts, the project applicant shall prepare a Traffic Mitigation Implementation and Financing Plan that details each of the physical improvements and the timing and geometric changes listed in Table IV.B-6 for both the Existing + Project and Cumulative scenarios (cumulative to address Impact TRANS-2), who will be responsible for implementing the improvement, the applicant's fair share contribution towards the improvement, how the improvement will be funded including a reimbursement program where appropriate; and the schedule or trigger for initiating and completing construction prior to the intersection operation degrading to an unacceptable level. The Plan may include an annual monitoring program of the intersections as a method for determining the schedule for implementing each improvement. The Plan shall take into account whether an					

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
improvement is already programmed and/or funded in a City or County program (i.e., Lodi Development Impact Mitigation Fee Program, San Joaquin County Regional Transportation Impact Fee, Measure K (existing or renewal program), and San Joaquin Council of Governments Regional Transportation Improvement Program). If an improvement is included in one or more of these programs, the Plan needs to consider whether the programs schedule for the improvement will meet the needs of the project and if not identify alternatives. The Plan shall be submitted to City staff for review and City Council approval prior to submittal of a Development Plan application. *Implementation of Measure* TRANS-1a and TRANS-1b, would mitigate the project's impact on existing conditions to a less-than-significant level. However, the City may decide to not implement select improvements in order to avoid trending towards a community that is too orientated to the automobile, which would conflict with some of the General Plan policies that emphasize pedestrian scale. Additionally some of the improvements identified are short-term solutions that the City may not choose to implement if a more significant long-term improvement is being planned (i.e., reconstruction of the Kettleman Lane/SR 99 interchange). As a result, the project's impact at some intersections may be significant and unavoidable if the City chooses not to implement the recommended mitigation measure.					
TRANS-2: Implementation of Measure TRANS-1a and TRANS-1b, would mitigate the project's contribution to Cumulative condition to a less-than-significant level at the 19 intersections that would be significantly impacted in the 2030 Cumulative condition. For the intersections that could be mitigated to a less-than significant level, the City may decide to not implement select improvements in order to avoid trending towards a community that is too orientated to the automobile, which would conflict with some of the General Plan policies that emphasize pedestrian scale.	Prior to Tentative Subdivision Map approval	Applicant	The project applicant shall: 1) Implement the identified vehicle trip generation and resulting emission desired by the City; and 2) Prepare a Traffic Mitigation Implementation and Financing Plan (for review and approval by the City/City		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
Additionally some of the improvements identified are short-term solutions that the City may not choose to implement if a more significant long-term improvement is being planned (i.e., reconstruction of the Kettleman Lane/SR 99 interchange).			Council) and implement the identified improvements.		
C. AIR QUALITY					
AIR-1a: Consistent with Regulation VIII, Fugitive PM_{10} Prohibitions of the SJVAPCD, the following controls are required to be implemented at all construction sites and as specifications for the project. • All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover. • All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant. • All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking. • With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition. • When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.	During demolition, grading and construction	Construction Manager	*City of Lodi Building Division* staff, as appropriate, shall periodically consult with construction representatives to ensure they comply with this requirement.		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
• All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.) • Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant. • Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. • Any site with 150 or more vehicle trips per day shall prevent carryout and trackout. Additional Control Measures: Construction of the project requires the implementation of control measures set forth under Regulation VIII. The following additional control measures would further reduce construction emissions and should be implemented with the project: • Limit traffic speeds on unpaved roads to 15 mph; • Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent; • Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site; • Install wind breaks at windward side(s) of construction area; • Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limitation);					

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
• Limit area excavation, grading, and other construction activity at any one time; • Install baserock at entryways for all exiting trucks, and wash off the tires or tracks of all trucks and equipment in designated areas before leaving the site; and • Suspend excavation and grading activity when winds (instantaneous gusts) exceed 20 mph. AIR-1b: The following construction equipment mitigation measures are to be implemented at construction sites to reduce construction exhaust emissions: • Use electric equipment for construction whenever possible in lieu of fossil fuel-fired equipment; • Properly and routinely maintain all construction equipment, as recommended by the manufacturer manuals, to control exhaust emissions; • Shut down equipment when not in use for extended periods of time to reduce emissions associated with idling emissions; • Limit the hours of operation of heavy duty equipment and/or the amount of equipment in use; and • Curtail construction during periods of high ambient pollutant concentrations; this may include ceasing of construction activity during the peak-hour of vehicular traffic on adjacent roadways, and "Spare The Air Days" declared by the District. Implementation of these mitigation measures would reduce construction period air quality impacts to a less-than-significant level.					

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
AIR-2: The SJVAPCD's "Guide for Assessing and Mitigating Air Quality Impacts" identifies potential mitigation measures for various types of projects. The Guide identifies a number of measures to further reducing vehicle trip generation and resulting emissions. The following measures shall be implemented to the extent feasible (it is noted that many of these features are already incorporated into the project). • Provide pedestrian enhancing infrastructure that includes: sidewalks and pedestrian paths, direct pedestrian connections, street trees to shade sidewalks, pedestrian safety designs/infrastructure, street furniture and artwork, street lighting and or pedestrian signalization and signage. • Provide bicycle enhancing infrastructure that includes: bikeways/paths connecting to a bikeway system, secure bicycle parking. • Provide transit enhancing infrastructure that includes: transit shelters, benches, etc., street lighting, route signs and displays, and/or bus turnouts/bulbs. • Provide park and ride lots. The plans for each phase of the proposed project shall implement these measures to the extent feasible and appropriate. The implementation of an aggressive trip reduction program with the appropriate incentives for non auto travel can reduce project impacts by approximately 10 to 15 percent. A reduction of this magnitude could reduce emissions, however, ozone precursors would still exceed the significance thresholds. There is no mitigation available with currently feasible technology to reduce the project's regional air quality impact by an additional 50 percent to a less-than-significant level. Therefore, the project's regional air quality impacts would remain significant and unavoidable.	Prior to tentative map approval	Applicant	City staff verifies that reduced vehicle trip generation measures have been incorporated into the Tentative Map.		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
D. NOISE					
NOI-1a: Construction activities would need authorization under City issuance of construction permits before any work could commence on-site. Construction activities shall be limited to the hours of 7:00 a.m. to 10:00 p.m. Monday through Sunday, consistent with the City's Ordinance.	During demolition, grading and construction	Construction Manager	City staff verifies that construction activities occur during the allowed hours of construction activities.		
NOI-1b: All stationary noise generating construction equipment, such as air compressors and portable power generators, shall be located as far as practical from existing residences. By meeting the hours of construction timeframe and minimizing noise from stationary construction equipment, the project will not result in a substantial temporary or periodic increase in ambient noise levels.					
NOI-2a: A 6-foot-high sound wall shall be constructed along the rear property line of all lots adjacent to Lower Sacramento Road.	Prior to issuance of a certificate of occupancy	Construction Manager	City staff shall verify that identified mitigation measures have been incorporated into the project plans.		
NOI-2b: Mechanical ventilation (such as air conditioning) shall be installed in the proposed residential units adjacent to Lower Sacramento Road so that the windows can remain closed for prolonged periods of time.					
NOI-2c: Windows with a minimum STC rating of STC-32 shall be installed in all units directly exposed to Lower Sacramento Road.					
NOI-2d: A sound barrier with a minimum height of 5 feet is recommended for all upper floor outdoor use areas directly adjacent to Lower Sacramento Road. Should the City determine that sound wall and sound barriers are not appropriate or feasible for the proposed project, the impact would be considered significant and unavoidable.					

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
E. CULTURAL AND PALEONTOLOGICAL RESOURCES					
CULT-1: Implementation of either Mitigation Measure CULT-1a or CULT-1b would reduce this impact to a less-than-significant level. In order to avoid possible work stoppage and project delays at the location of the resource, implementation of Mitigation Measure CULT-1(a) is the recommended alternative. The mitigation measure selected, however, shall be determined by the lead agency.	Prior to ground disturbance or construction activities	Project Archaeologist	City staff shall verify that proper documentation and monitoring of the identified archaeological site.		
1a. Prior to the initiation of any project ground disturbance or any construction activities within 50 feet of archaeological site LAN-1, it shall be recorded on the appropriate State of California Department of Parks and Recreation DPR 523 forms. Prior to ground disturbance at this location, a qualified historical archaeologist shall evaluate the site for its eligibility for listing in the California Register. An evaluation shall include archival research and subsurface archaeological testing. If the site is determined to not be eligible for listing in the California Register, no further study or mitigation of the site is required. Shall the site or intact features within the site be found to be a historic or unique archaeological resource as defined under CEQA, project related impacts to the site shall be mitigated. If the deposits are eligible, they shall be avoided by adverse effects, or, if avoidance is not feasible, the adverse effects shall be mitigated. Mitigation may include, but is not limited to data recovery excavation. If data recovery excavation is appropriate, the excavation must be guided by a data recovery plan prepared and adopted prior to beginning the data recovery work. A report of findings shall be submitted to the project applicant, the City of Lodi, and the Central California Information Center (CCR Title 14(3) §15126.4(b)(3)(C)). This approach would reduce this impact to a less-than-significant level.					
1b. Prior to any project activities within 50 feet of archaeological site LAN-1, it shall be recorded on the appropri-					

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
ate State of California Department of Parks and Recreation DPR523 forms. A qualified archaeologist shall monitor ground disturbing activities within 50 feet of LAN-1 in the Westside project area. Project activity shall cease in the immediate vicinity of a subsurface find and the discovery evaluated and appropriate treatment options developed. Archaeological monitors shall be empowered to halt construction activities at the location of the discovery to review possible archaeological material and to protect the resource while the finds are being evaluated. Monitoring shall continue until, in the archaeologist's judgment, cultural resources are not likely to be encountered. If subsurface historic archaeological deposits, e.g., wells, privies, and foundations, are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the archaeological monitor can evaluate the finds and make recommendations. It is recommended that adverse effects to archaeological discoveries be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their eligibility for listing on the California Register (i.e., it shall be determined whether they qualify as historical or unique archaeological resources under CEQA). If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they shall be avoided by adverse effects, or, if avoidance is not feasible, the adverse effects shall be mitigated. If data recovery excavation is appropriate, the excavation must be guided by a data recovery plan prepared and adopted prior to beginning the data recovery work. A report of findings shall be submitted to the project applicant, the City of Lodi, and the Central California Information Center (CCR Title 14(3) §15126.4(b)(3)(C)). It is anticipated that this approach will reduce this impact to a less-than-significant level.					

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
CULT-2: If prehistoric or historic archaeological materials are encountered during project activities, all work within 25 feet of the discovery shall be redirected and a qualified archaeologist contacted to evaluate the finds and make recommendations. It is recommended that adverse effects to such deposits be avoided by project activities. If such deposits cannot be avoided, they shall be evaluated for their eligibility for listing on the California Register (i.e., it shall be determined whether they qualify as historical or unique archaeological resources under CEQA). If the deposits are not eligible, avoidance is not necessary. If the deposits are eligible, they shall be avoided by adverse effects, or, if avoidance is not feasible, the adverse effects shall be mitigated. Mitigation may include, but is not limited to, thorough recording on Department of Parks and Recreation form 523 records (DPR 523) or data recovery excavation. If data recovery excavation is appropriate, the excavation must be guided by a data recovery plan prepared and adopted prior to beginning the data recovery work, and a report of findings shall be submitted to FCB, the City of Lodi, and the Central California Information Center (CCR Title 14(3) §15126.4(b)(3)(C)).	During demolition, grading, and construction	Construction Manager	City staff shall visit the site and review findings should prehistoric or historic archaeological materials be identified onsite.		
CULT-4: If human remains are encountered, work within 25 feet of the discovery will be redirected and the County Coroner notified immediately. At the same time, an archaeologist will be contacted to assess the situation. If the human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human	During demolition, grading and construction	Construction Manager	City staff shall review and verify that proper documentation and actions should human remains be identified.		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the project applicant, the City of Lodi, and the Central California Information Center. It is anticipated that implementation of Mitigation Measure CULT-4 will reduce impacts to human remains to less-than-significant levels.					
CULT-5: *If ground disturbing activity is anticipated* below the project area soil layer, the initial ground disturbance below that depth in geologic units shall be monitored by a qualified paleontologist. Subsequent to monitoring this initial ground distur¬bance, the qualified paleontologist will make recommendations regarding further monitoring based on the initial findings. *This can include, but is not limited to,* continued monitoring, peri¬odic reviews of ground disturbance below project area soil layers, or no further monitoring.	*During ground disturbing* activities below the project area soil layer	Project Pale-ontologist	City staff shall verify that pre-field monitoring preparation has occurred and that the recom-mendations have been incorpo-rated into the proposed project.		
Pre-field monitoring preparation by a qualified paleontolo-*gist shall take into account specific details of project* construction plans as well as information from available paleontological, geological, and geotechnical studies. Limited subsurface investigations may be appropriate for defining areas of paleontological sensitivity prior to ground disturbance.					

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
If paleontological resources are encountered during project activities, all work within 25 feet of the discovery shall be redirected until the paleontological monitor has evaluated the resources, prepared a fossil locality form documenting them, and made recommendations regarding their treatment. If paleontological resources are identified, it is recommended that such resources be avoided by project activities. Paleontological monitors must be empowered to halt construction activities within 25 feet of the discovery to review the possible paleontological material and to protect the resource while it is being evaluated. If avoidance is not feasible, adverse effects to such resources shall be mitigated. Mitigation can include data recovery and analysis, preparation of a report and the accession of fossil material recovered to an accredited paleontological repository, such as the UCMP. Monitoring shall continue until, in the paleontologist's judgment, paleontological resources are no longer likely to be encountered. Upon project completion, a report shall be prepared documenting the methods and results of monitoring. Copies of this report shall be submitted to the project applicant, the City of Lodi Planning Department, and to the repository where fossils are accessioned.					
F. GEOLOGY, SOILS AND SEISMICITY					
GEO-1a: Each project's conditions of approval shall require the project be designed according to the most recent CBC and UBC Seismic Zone 3 requirements, applicable local codes, and be in accordance with the generally accepted standard for geotechnical practice for seismic design in Northern California.	Prior to approval of grading plans	Project Architect/ Engineer	The City staff shall verify that the project meets the most recent CBC and UBC Seismic 3 requirements, and that the design-level geotechnical investigation recommendations are incorporated into the construction and grading plans		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
GEO-1b: Prior to the approval of grading plans, the project applicant shall perform design-level geotechnical investigations and incorporate all recommendations into the project construction documents and grading plans.					
GEO-2: If the project includes buried metal components, a corrosion engineer shall be retained to design corrosion protection systems appropriate for the project sites to be approved by the Community Development Department.	Prior to issuance of a building permit	Project Engineer	City staff shall verify that a design corrosion protections system has been incorporated into the proposed project, if required.		
G. HYDROLOGY AND WATER QUALITY					
HYD-1: Implementation of the following two-part mitigation measure would reduce potential impacts associated with increased peak runoff volumes to a less-than-significant level: 1a: As a condition of approval of the final grading and drainage plans for the projects, the Public Works department shall verify that the Master Utility Plan for the Westside site will comply with the City's stormwater requirements. 1b: Prior to the approval of the final grading and drainage plans for the Westside projects, a hydraulic analysis shall be provided to the Public Works Department for verification that implementation of the proposed drainage plans would comply with the City's storm water requirements.	Prior to approval of final grading and drainage plans	Project Applicant/Project Engineer	City staff shall verify that the Master Utility Plan complies with the City's storm water requirements		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
HYD-2: The project proponent for each development project shall prepare a Storm Water Pollution Prevention Plan (SWPPP) designed to reduce potential impacts to surface water quality through the construction period of the project. The SWPPP must be maintained on-site and made available to City inspectors and/or RWQCB staff upon request. The SWPPP shall include specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed centralized storage areas that keep these materials out of the rain. An important component of the storm water quality protection effort is the knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP. The SWPPP shall specify a monitoring program to be implemented by the construction site supervisor, which must include both dry and wet weather inspections. In addition, in accordance with State Water Resources Control Board Resolution No. 2001-046, monitoring would be required during the construction period for pollutants that may be present in the runoff that are "not visually detectable in runoff." RWQCB and/or City personnel, who may make unannounced site inspections, are empowered to levy considerable fines if it is determined that the SWPPP has not been properly prepared and implemented.	Prior to Construction	Project Applicant/Project Engineer	The City Public Works Department shall review and approve the SWPPP and drainage plan prior to approval of the grading plan.		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
BMPs designed to reduce erosion of exposed soil may include, but are not limited to: soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. If hydroseeding is selected as the primary soil stabilization method, then these areas shall be seeded by September 1 and irrigated as necessary to ensure that adequate root development has occurred prior to October 1. Entry and egress from the construction site shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions. The City Public Works Department shall review and approve the SWPPP and drainage plan prior to approval of the grading plan. City staff may require more stringent storm water treatment measures, at their discretion. Implementation of this mitigation would reduce the level of significance of this impact to a less-than-significant level.					
HYD-3: Each SWPPP shall include provisions for the proper management of construction-period dewatering. At minimum, all dewatering shall be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary to ensure that only clear water is discharged to the storm or sanitary sewer system, as appropriate. In areas of suspected groundwater contamination (i.e., underlain by fill or near sites where chemical releases are known or suspected to have occurred), groundwater shall be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the project proponent shall acquire the appropriate permit(s) from the	Prior to construction	Project Engineer	The City Public Works Department shall review and approve the SWPPP to ensure proper provisions for dewatering, and that protocol for dewatering is followed.		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
RWQCB prior to the release of any dewatering discharge into the storm drainage system. Section IV.I, Hazards and Hazardous Materials, of this EIR, includes a discussion of the Remediation Action Plan (RAP) and Health and Safety Plan (HSP) for the site. Proper implementation of the mitigation measure described above would reduce this impact to a less-than-significant level.					
H. BIOLOGICAL RESOURCES					
BIO-1: Implementation of these measures will reduce impacts to western burrowing owl to a less than significant level. 1a: Prior to approval of grading plans, the project proponent shall pay the appropriate fees to SJCOG, in accordance with the SJMSCP conservation strategy, for conversion of undeveloped lands. 1b: No more than 30 days prior to any ground disturbing activities, a qualified biologist shall conduct surveys for burrowing owls. If ground disturbing activities are delayed or suspended for more than 30 days after the initial preconstruction surveys, the site shall be resurveyed. All surveys shall be conducted in accordance with CDFG's Staff Report on Burrowing Owls (CDFG, 1995). 1c: If the preconstruction surveys identify burrowing owls on the site during the non-breeding season (September 1 through January 31) burrowing owls occupying the project site shall be evicted from the project site by passive relocation as described in the CDFG's Staff Report on Burrowing Owls (CDFG, 1995).	Prior to approval of grading plans and prior to ground disturbing activities	Project Applicant/ Project Biologist	City staff shall verify the payment of appropriate fees by the project applicants. City of Lodi staff, as well as a qualified biologist, shall review project construction activities and periodically consult with construction representatives to ensure they comply with this requirement. City of Lodi staff shall undertake additional coordination with the CDFG, if necessary.		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
1d: If the preconstruction surveys identify burrowing owls on the site during the breeding season (February 1 through August 31) occupied burrows shall not be disturbed and shall be provided with a 75 meter (250-foot) protective buffer until and unless the SJMSCP Technical Advisory Committee (TAC), with the concurrence of CDFG representatives on the TAC; or unless a qualified biologist approved by CDFG verifies through non-invasive means that either: 1) the birds have not begun egg laying, or 2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. Once the fledglings are capable of independent survival, the burrow(s) can be destroyed.					
BIO-2: Implementation of these measures will reduce impacts to nesting Swainson's hawk and other nesting raptors to a less-than-significant level. 2a: Prior to approval of grading plans, the project proponent shall pay the appropriate fees to SJCOG, in accordance with the SJMSCP conservation strategy, for conversion of undeveloped lands. 2b: Removal of suitable nest trees shall be completed during the non-nesting season (when the nests are unoccupied), between September 1 and February 15. 2c: If suitable nest trees will be retained and ground disturbing activities will commence during the nesting season (February 16 through August 31), all suitable nest trees on the site will be surveyed by a qualified biologist prior to initiating construction-related activities. Surveys will be conducted no more than 14 days prior to the start of work. If an active nest is discovered, a 100-foot buffer shall be established around the nest tree and delineated using orange construction fence or equivalent. The buffer shall be maintained in place until the end of the breeding season or until the young have fledged, as determined by a qualified biologist.	Prior to approval of grading plans	Project Applicant/ Project Biologist	City staff shall verify the payment of appropriate fees by the project applicants. City of Lodi staff, as well as a qualified biologist, shall review project construction activities and periodically consult with construction representatives to ensure they comply with this requirement. City of Lodi staff shall undertake additional coordination with the CDFG, if necessary.		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
In some instances, CDFG may approve decreasing the specified buffers with implementation of other avoidance and minimization measures (e.g., having a qualified biologist on-site during construction activities during the nesting season to monitor nesting activity). If no nesting is discovered, construction can begin as planned. Construction beginning during the non-nesting season and continuing into the nesting season shall not be subject to these measures.					
I. HAZARDS AND HAZARDOUS MATERIALS					
HAZ-1: Preparation and implementation of the required SWPPP (see Mitigation Measures HYD-2 and HYD-3) would reduce the potential impacts of hazardous materials releases during construction to a less-than-significant level. No additional mitigation is required.	Prior to approval of final grading and drainage plans	Project Applicant/Project Engineer	City staff shall verify that an SWPPP has been prepared and implemented.		
HAZ-5: Prior to approval of any demolition or construction permits, ASTs, pesticides, waste oil, equipment maintenance chemicals, discarded trash and debris shall be removed from the individual project site and disposed in accordance with applicable regulations.	Prior to approval of any demolition or construction permits	Construction Manager	City staff shall verify that appropriate disposal of waste and debris has occurred.		
HAZ-6: Prior to approval of any grading plans or construction permits for each individual project, the wells and septic system shall be properly abandoned in accordance with applicable regulations.	Prior to approval of demolition or construction permits	Project Engineer	City staff shall verify that wells and septic systems have been properly abandoned.		

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
HAZ-8: Implementation of the following two-part mitigation measure would reduce this impact to a less-than-significant level. 8a: As a condition of approval for a demolition permit for the project site buildings, an asbestos and lead-based paint survey shall be performed. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Joaquin Valley Air Quality Control District. If lead-based paints are identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint are identified, they shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. 8b: As a condition of approval for grading plans for the project sites, an asbestos investigation of subsurface structures shall be conducted. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the San Joaquin Valley Air Quality Control District.	Prior to issuance of a demolition permit	Project Applicant/ Project Engineer	City staff shall verify that an asbestos and lead-based paint survey has occurred and that the materials have been abated per applicable regulations.		
J. UTILITIES					
There are no significant utility impacts.					
K. PUBLIC SERVICES					
There are no significant public services impacts.					

Table 1 *Continued*

Mitigation Measures	Mitigation Monitoring			Reporting	
	Monitoring Schedule	Mitigation Responsibility	Monitoring Procedure	Comments	Date/ Initials
L. VISUAL RESOURCES					
VIS-1: No mitigation is available to reduce this significant and unavoidable impact.					
VIS-2: Outdoor lighting shall be designed to minimize glare and spillover to surrounding properties. The proposed project shall incorporate non-mirrored glass to minimize daylight glare.	Prior to issuance of building permits	Project Architect	City staff shall verify that non-mirrored glass is used in the construction of the proposed buildings.		

Source: LSA Associates, Inc., 2006.